

CASE NUMBER: 1:02CR05301-019
DEFENDANT: JAMES EDWARD LEE
DISTRICT: Eastern District of California

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STATEMENT OF REASONS

(NOT FOR PUBLIC DISCLOSURE)

☒ The court adopts the presentence report and guideline applications without change.

OR

☐ The court adopts the presentence report and guideline applications but with these changes:

- ☐ **Chapter Two of the U.S.S.G. Manual** determinations by court (including changes to base offense level or specific offense characteristics):
- ☐ **Chapter Three of the U.S.S.G. Manual** adjustment determinations by court (including changes to victim-related adjustments, role in the offense, obstruction of justice, multiple counts, or acceptance of responsibility):
- ☐ **Chapter Four of the U.S.S.G. Manual** determinations by court (including changes to criminal history category or scores, career offender, or criminal livelihood determinations):
- ☐ **The court adopts the presentence report with these comments or findings** (including comments or factual findings concerning certain information in the presentence report that the Federal Bureau of Prisons may rely on when it makes inmate classification, designation, or programming decisions. Specify court comments or findings, including paragraphs in the presentence report.):

Guideline Range Determined by the Court (Before Departures):

Total Offense Level: __

Criminal History Category: __

Imprisonment Range: __ to __ months

Supervised Release Range: __ to __ years

Fine Range: \$__ to \$__

☒ Fine waived or below the guideline range because of inability to pay.

☐ The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart. Or

☐ The sentence is within the guideline range, that range does not exceed 24 months, and the court departs for the following reason(s):

OR

☐ The sentence is within the guideline range, that range exceeds 24 months, and the specific sentence is imposed for the following reasons(s):

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RESTITUTION DETERMINATIONS

Total Amount of Restitution: \$__

- ☐ For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered because the number of identifiable victims is so large as to make restitution impracticable under 18 U.S.C. § 3663A(c)(3)(A).
- ☐ For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered because determining complex issues of fact and relating them to the cause or amount of the victims' losses would complicate or prolong the sentencing process to a degree that the need to provide restitution to any victim would be outweighed by the burden on the sentencing process under 18 U.S.C. § 3663A(c)(3)(B).
- ☐ For other offenses for which restitution is authorized under 18 U.S.C. § 3663 and/or required by the sentencing guidelines, restitution is not ordered because the complication and prolongation of the sentencing process resulting from the fashioning of a restitution order outweigh the need to provide restitution to any victims under 18 U.S.C. § 3663(a)(1)(B)(ii).
- ☐ Restitution is not ordered for other reasons:
- ☐ Partial restitution is ordered under 18 U.S.C. § 3663(c) for these reasons:

DEPARTURE (Check all that apply)

- ☒ The sentence departs below the guideline range for the following reasons; or
- ☐ The sentence departs above the guideline range for the following reasons:

Pursuant to a Plea Agreement

- ☐ based on 5K1.1 motion of the government based on the defendant's substantial assistance;
- ☐ based on a government motion pursuant to an early disposition program;
- ☐ based on a binding plea agreement for departure which the court has accepted (cite below reason, if applicable);
- ☐ based on a plea agreement which cites the below reason for departure, which the court finds to be justified; or
- ☐ based on a plea agreement which states that the government will not oppose a defense departure motion and cites the below reason.

Pursuant to a Motion Not Addressed in a Plea Agreement

- ☒ pursuant to a 5K1.1 motion of the government based on the defendant's substantial assistance;
- ☐ pursuant to a government motion based on the below reason for departure; or
- ☐ pursuant to a defense motion based on the below reason for departure to which the government has not objected; or
- ☐ pursuant to a defense motion based on the below reason for departure to which the government has objected.
- ☐ Other than plea agreement or motion by the parties based on the below reason for departure.

Reason(s) for Departure

- | | | |
|---|---|--|
| <input type="checkbox"/> 4A1.3 Criminal History Adequacy (explain): | <input type="checkbox"/> 5K2.8 Extreme Conduct | <input type="checkbox"/> 5K2.16 Voluntary Disclosure of Offense |
| <input type="checkbox"/> 5K2.0 Aggravating or Mitigating Circumstances (explain): | <input type="checkbox"/> 5K2.9 Criminal Purpose | <input type="checkbox"/> 5K2.17 High-Capacity Semiautomatic Firearm |
| <input type="checkbox"/> 5K2.1 Death | <input type="checkbox"/> 5K2.10 Victim's Conduct | <input type="checkbox"/> 5K2.18 Violent Street Gang |
| <input type="checkbox"/> 5K2.2 Physical Injury | <input type="checkbox"/> 5K2.11 Lesser Harm | <input type="checkbox"/> 5K2.20 Aberrant Behavior |
| <input type="checkbox"/> 5K2.3 Extreme Psychological Injury | <input type="checkbox"/> 5K2.12 Coercion and Duress | <input type="checkbox"/> 5K2.21 Dismissed and Uncharged Conduct |
| <input type="checkbox"/> 5K2.4 Abduction or Unlawful Restraint | <input type="checkbox"/> 5K2.13 Diminished Capacity | <input type="checkbox"/> 5K2.22 Age or Health of Sex Offenders |
| <input type="checkbox"/> 5K2.5 Property Damage or Loss | <input type="checkbox"/> 5K2.14 Public Welfare | <input type="checkbox"/> 5K2.23 Discharged Terms of Imprisonment |
| <input type="checkbox"/> 5K2.6 Weapons and Dangerous Instruments | | <input type="checkbox"/> 5K3.1 Early Disposition, "fast-track" Program |
| <input type="checkbox"/> 5K2.7 Disruption of Government Function | | |
| <input type="checkbox"/> Other or Explanations (e.g., 2B1.1 commentary, 5H1.1-5H1.6 or 5H1.11)(explain and state guideline and/or statutory basis): | | |

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Defendant's Soc. Sec. No.: 304-62-1053

05/31/2005

Defendant's Date of Birth: 05/12/1960

Date of Imposition of Judgment

Defendant's USM No.: 07018-028

/s/ OLIVER W. WANGER

Defendant's Residence Address:
Frankfort, IN

Signature of Judicial Officer

Defendant's Mailing Address:
Frankfort, IN

OLIVER W. WANGER, United States District Judge

Name & Title of Judicial Officer

June 2, 2005

Date

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SUPPLEMENTAL STATEMENT OF REASONS

APPLICABILITY OF THE FEDERAL SENTENCING GUIDELINES

- ☐ The court applied the Guidelines and all relevant enhancements in this case.

- ☐ The court found the Guidelines unconstitutional in part, and imposed a sentence in accordance with the constitutionally applied portions of the Guidelines.

- ☐ The court did not apply the federal sentencing guidelines at all in this case and imposed a discretionary sentence.

- ☐ The court took some other action (Please explain below.):

- ☐ This judgment includes an alternative sentence.